

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
THE GENERAL HOSPITAL  
CORPORATION and DANA-FARBER  
CANCER INSTITUTE, INC.

Plaintiffs,

v.

\_\_\_\_\_  
ESOTERIX GENETIC LABORATORIES,  
LLC and LABORATORY CORPORATION  
OF AMERICA,

Defendants.  
\_\_\_\_\_

C.A. NO. 1:18-CV-11360-IT

**DECLARATION OF CHRISTOPHER R. HOWE IN  
SUPPORT OF DEFENDANT’S MOTION TO DISMISS**

I, Christopher R. Howe, hereby declare that the following is true and correct under penalties of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a member of the law firm of Campbell Campbell Edwards & Conroy, P.C., counsel to defendants Esoterix Genetic Laboratories, LLC (“EGL”) and Laboratory Corporation of America Holdings, incorrectly identified in Plaintiffs’ Complaint as Laboratory Corporation of America (“LabCorp”) (collectively, “Defendants”), in the above-referenced matter.

2. I am more than 18 years of age, am competent to make this declaration, and do so on my personal knowledge. The basis for my knowledge is my review of the files maintained by Campbell Campbell Edwards & Conroy, P.C. as part of its representation of Defendants, including the documents attached hereto. I make this declaration in support of Defendants’ Motion to Dismiss.

3. Attached hereto as Exhibit A is a true and correct copy of the Amended Complaint filed on August 14, 2014 by EGL against Qiagen N.V., Qiagen GmbH, Qiagen North American Holdings, Inc., Qiagen Inc., and Qiagen Manchester, Ltd. in the United States District Court for the District of Massachusetts, Case No. 14-cv-13228 (the “Amended Complaint”) (the “QIAGEN Litigation”).

4. Attached hereto as Exhibit B is a true and correct copy of Qiagen Manchester Ltd. and Qiagen Inc.’s Answer, Affirmative Defenses, and Counterclaims to the Amended Complaint, filed on October 23, 2015 in the QIAGEN Litigation.

Executed on the 5th day of July, 2018

/s/ Christopher R. Howe  
Christopher R. Howe

**CERTIFICATE OF SERVICE**

I, Christopher R. Howe, counsel for defendants Esoterix Genetic Laboratories, LLC and Laboratory Corporation of America Holdings, hereby certify that on July 5, 2018, I electronically filed the foregoing Declaration in Support of Defendants’ Motion to Dismiss with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record. The foregoing document is also available for viewing and/or downloading from ECF. I also served a copy of the foregoing Declaration by first class mail, postage pre-paid, on all parties of record.

/s/ Christopher R. Howe  
Christopher R. Howe